



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA # 2012-72
Site: 48 Temple Street
Date of Decision: September 19, 2012
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: September 25, 2012

ZBA DECISION

Applicant Name:	Miao Chang Fang
Applicant Address:	48 Temple Street, Somerville, MA 02145
Property Owner Name:	White Cliffs, LLC
Property Owner Address:	48 Temple Street, Somerville, MA 02145
Agent Name:	Excel Signs
Agent Address:	259 Quincy Avenue, Quincy, MA 02169

Legal Notice: Applicant, Miao Chang Fang, and Owner, White Cliffs LLC, seek a Special Permit to alter a nonconforming structure under SZO §4.4.1 to relocate entry doors and windows on the front façade.

<u>Zoning District/Ward:</u>	RB zone/Ward 4
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	August 21, 2012
<u>Date(s) of Public Hearing:</u>	September 19, 2012
<u>Date of Decision:</u>	September 19, 2012
<u>Vote:</u>	5-0

Appeal #ZBA 2012-72 was opened before the Zoning Board of Appeals at the Visiting Nurse Association on September 19, 2012. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by M.G.L. c. 40A, sec. 11 and the Somerville Zoning Ordinance. After one hearing of deliberation, the Zoning Board of Appeals took a vote.



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DESCRIPTION:

Applicant, Miao Chang Fang, and Owner, White Cliffs LLC, propose to relocate the entry doors and windows on the front façade. Currently, the door is located on the left half of the façade with the Cityline Laundr-O-Mat sign and two gooseneck lights above, and the window is located on the right half of the façade. The Applicant would like to reverse these two openings and relocate the entry door on the right half of the façade and the window on the left half. Relocating the entry door and windows will allow the interior plan to function better as an office is currently located along the left wall directly inside the entry doors. The signage and lighting would not be changed or relocated as part of this proposal and the window will remain unoperable. The height of the door is not proposed to change; therefore, the door will remain 8'-3" in height, which includes a transom above the door. The door currently has a glass transom on either side, but upon relocating the door, as these transoms are not part of the proposal, the width of the door in the new location would be 6 feet. The window is currently 5'-5" in height and in the new location, the window would become 6 feet in height. The window would also become slightly wider as sidelight panels would be added to both sides, making the total width 8'-7."

FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1):

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §5.1.4 of the SZO. This section of the report goes through §5.1.4 in detail.

1. Information Supplied: The Board finds that the information provided by the Applicant conforms to the requirements of §5.1.2 of the SZO and allows for a comprehensive analysis of the project with respect to the required Special Permits.
2. Compliance with Standards: The Applicant must comply "with such criteria or standards as may be set forth in this Ordinance which refer to the granting of the requested special permit."

In considering a special permit under §4.4 of the SZO, the Board finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The proposed alterations to the façade essentially retain the same openings as well as signage and lighting. Relocating the entry door and window allow the interior plan to function better for patrons due to the office space located along the left wall. Relocating the entry doors and window would not be detrimental to the structure or the surrounding residential neighborhood.

3. Consistency with Purposes: The Applicant has to ensure that the project "is consistent with (1) the general purposes of this Ordinance as set forth in Article 1, and (2) the purposes, provisions, and specific objectives applicable to the requested special permit which may be set forth elsewhere in this Ordinance, such as, but not limited to, those purposes at the beginning of the various Articles."

The proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to promoting the health, safety, and welfare of the inhabitants of the City of Somerville; to provide for and maintain the uniquely integrated structure of uses in the City; to secure safety from fire, panic and other dangers; to provide adequate light and air; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the City; and to preserve and increase the amenities of the municipality.

The proposal is consistent with the purpose of the Residence B district, SZO §6.1.2, which is, "[t]o establish and preserve medium density neighborhoods of one-, two- and three-family homes, free from other uses except those which are both compatible with and convenient to the residents of such districts."

4. Site and Area Compatibility: The Applicant has to ensure that the project "(i)s designed in a manner that is compatible with the characteristics of the built and unbuilt surrounding area, including land uses."

The essential design and use of the building as a dry cleaning and laundromat facility are not proposed to change. As the immediate area is a residential neighborhood with multi-family dwellings and this building has functioned as a dry cleaning



and laundromat facility for approximately 10 years, the use has proven to be compatible and is a necessary amenity for a residential neighborhood of this level of density.

DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Elaine Severino with Scott Darling absent. Upon making the above findings, Susan Fontano made a motion to approve the request for a Special Permit. Richard Rossetti seconded the motion. Wherefore the Zoning Board of Appeals voted **5-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes	
1	Approval is for a Special Permit to alter a nonconforming structure to relocate entry doors and windows on the front façade. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Plng.		
	Date (Stamp Date)				Submission
	(August 21, 2012)				Initial application submitted to the City Clerk's Office
	May 21, 2000 (August 28, 2012)				Plot plan submitted to OSPCD
	April 10, 2000 (August 28, 2012)				Site and floor plans submitted to OSPCD (A1 and A3)
	August 13, 2000 (August 28, 2012)				Elevation plans submitted to OSPCD (A2)
	(August 28, 2012)				Proposed Storefront Remodeling plan submitted to OSPCD (A1)
	Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval.				
2	New masonry blocks and associated materials for front façade shall match or be complimentary to the rest of the existing structure;	CO	Plng.		
3	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements;	CO	FP		
4	The Applicant shall ensure that an electrical outlet is located above the new window location;	CO	Wiring		



5	The Applicant shall at his expense replace any existing equipment (including, but not limited to street sign poles, signs, traffic signal poles, traffic signal equipment, wheel chair ramps, granite curbing, etc) and the entire sidewalk immediately abutting the subject property if damaged as a result of construction activity. All new sidewalks and driveways must be constructed to DPW standard;	CO	DPW	
6	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final inspection by Inspectional Services to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.	Final sign off	Plng.	



Attest, by the Zoning Board of Appeals:

Herbert Foster, *Chairman*
Orsola Susan Fontano, *Clerk*
Richard Rossetti
Danielle Evans
Elaine Severino (Alt.)

Attest, by the Administrative Assistant:

Dawn M. Pereira

Copies of this decision are filed in the Somerville City Clerk's office.
Copies of all plans referred to in this decision and a detailed record of the
SPGA proceedings are filed in the Somerville Planning Dept.

CLERK'S CERTIFICATE

Any appeal of this decision must be filed within twenty days after the date this notice is filed in the Office of the City Clerk, and must be filed in accordance with M.G.L. c. 40A, sec. 17 and SZO sec. 3.2.10.

In accordance with M.G.L. c. 40 A, sec. 11, no variance shall take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title.

Also in accordance with M.G.L. c. 40 A, sec. 11, a special permit shall not take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and either that no appeal has been filed or the appeal has been filed within such time, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed Special Permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

The owner or applicant shall pay the fee for recording or registering. Furthermore, a permit from the Division of Inspectional Services shall be required in order to proceed with any project favorably decided upon by this decision, and upon request, the Applicant shall present evidence to the Building Official that this decision is properly recorded.

This is a true and correct copy of the decision filed on _____ in the Office of the City Clerk, and twenty days have elapsed, and

FOR VARIANCE(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ any appeals that were filed have been finally dismissed or denied.

FOR SPECIAL PERMIT(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ there has been an appeal filed.

Signed _____ City Clerk Date _____

